preserve

B

G. R. S. IX-5]

Previous references.

G. R. 64-1880, 2,146 **1917.**
G. 43-16 41-3 (G. R.)

Later references.

(S) 11/48

File No. 226-17

Serial Nos. 1 & 2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 and 2

Part B for January 1919

SUBJECT.

Amendments to Rules 214 & 215 of the Insurance Rules (Public branch) providing for assignment of policies.

No. 2501-2 dated 21-11-1918.

To the Comptroller, Mysore Government.

The Secretary, Mysore State Life Insurance Committee.

Sanctions to certain amendments to Rules 214 & 215 of the Public Branch.

W D 88—GPB—50,000—24-7-16

Mr. Nanjunda Rao
11/1/11

(For Disposal by Circulation)

No. C.216

10·9 1918

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

Amendments to Rules 22 and 23 of the Insurance Rules (Public Branch) providing for assignment of Policies.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

7th September ..... 1918.

C S Balasundaram
Chief *Secretary to Government.*

Extraordinary Member of Council.

First Member of Council. Opinion recorded.

317/ 13.9.18 Second Member of Council.

630-201 10.9.18 Extra Member of Council. Opinion recorded 11.9.18

WD 2670—GPB—1,000—11-5-17

G. R. S. III—1]

1917-18

GENERAL AND REVENUE SECRETARIAT.

(G 7)

NOTES.

File No. 223

FILE HEADING.

Amendments to Rules 22 & 23 of the Insurance Rules (Public Branch) providing for assignment of policies

From The Secy Insurance Committee

No. 1910 Dated 20/9-5-18 Received 10-5-18

Diary No. 2998	Enclos. 2 folios	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards copy of Resolution No 2 passed in the meeting of the Insurance Committee held on 12-3-18 with copies of draft amendments of Rules 22 & 23 of the Public Branch for sanction of Govt.

NOTES AND ORDERS.

Apart from the approval required of Govt for the amendments of Rules 22 & 23 (Public Branch) - the other important question of the application clause (p) of Section 60 of the Code of Civil Procedure

NOTES—First Sheet.

W D 1232--GPB--20,000--18-11-18

G. R. S. III-2]

General and Revenue Secretariat.

97 File No. 224 of 1917.

Serial No.

6 cover the insured persons in the office Branch has 6 be consid. dered & decided.

5 The working in section (1) of Regln VI of 1909 distinctly confers the protection on an officer who has insured his life in the State life Insurance & accordingly in applying this case no conflict will or can strictly 6 cover insurants in the Public Branch.

4 So the question of legislation has to be considered if a similar protection is 6 be confd in regard 6 insurants in the Public Branch. The course will certainly lead to popularising the Scheme - but the opposition of private companies in regard 6 the measure has also 6 be taken into ~~acct~~. They will be placed in a very disadvantageous position & credit 6 amongst the ~~Indian~~ policy holders may some what be affected - in that they may not find it easy 6 raise money at a portion

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

3

2798

G. R. S. III-2]

General and Revenue Secretariat. | G7 File No. 224 of 1917.

Serial No.

of the assets will be protected & will not count as security.

Sd. [illegible]

22/5 5) The important question of law involved in this case was, therefore considered, in connection with the question of assigning the optional part of the ~~Official Income~~ Income amount in the official hands as an endowment for charitable purposes.

6) Please put up these papers if available

18
8/6/18

Sd.

G7 43-16 Sls (16-3) - The report called for is put up

Sd
11/6
13/6. 1) The legal point involved in the present case, necessitating an amendment of the Law was indirectly raised in para 10 in G7. 43/16 in respect of assigning the Optional part of the Income in the official hands to any endowment -

As the Govt. advocate observed that - there was no analogy b-

B-

4

The amendment of the law may be considered separately MS 11.7.18

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

D 2998 4

G. R. S. III-2)

General and Revenue Secretariat.

G 7 File No. 224 of 1917.

Serial No.

The adoption of the Insurance Committee's recommendations, ~~respecting certain clauses~~ [illegible] when same issued —

2) The amendments proposed by the Legal Remembrancer permitting assignments of the bonus in the Public hands are very desirable and maybe approved —

3) If, as in the previous case, there is no legal objection to the amendments being adopted, alteration of the provisions in the C.P.C may also be necessary.

4) The point may be cleared by a reference to the Govt. advocate.

Yes. I have indicated some verbal changes in pencil. JM 11.7.18

This point maybe referred to the Insurance for a definite recommendation. JM 11.7.18

Govt advocate has already given his opinion on the amendments JM 1029 27/6 11.7.18

Petkey) 18 16/7/18

(1) The proposals of the Insurance Committee maybe sanctioned.

(2) I must state however that when the public branch rules were originally framed I pressed for assignment being made admissible but Govt declined. These papers should be put up by Asst Secy duly flagged.

(3) As regards amending the Civil Procedure Code the Insurance Dept may be asked

NOTE—Contn. sheet.

TEMENT OF CASES FOR COUNCIL. Financial Secretariat. BRANCH

5

Proposal	From whom	Opinion of the Member of Council in charge	Whether the case is one for disposal by circulation or at a meeting under Rule 14 Section I	Dewan's order
Amendments to Rules 22 and 23 of the Insurance Rules (Public Branch) providing for assignment of Policies.	Secretary Life Insurance Committee.	1)The proposal of the Insurance Committee may be sanctioned. 2)As regards amending the Civil Procedure Code, the question will be examined by the Legislative Branch after the definite recommendations of the Committee are received.	By circulation.	I agree.

C.S. circulate

W 2418. To chief Secy with Compliments

18 5/9.

GRSM.—447

5

D 2998

G. R. S. III-2

General and Revenue Secretariat.

G7 File No. 224 of 191

Serial No.

to submit the definite recommendation of the Committee on the matter. [Personally I think "an office" in Section 60 (1) (f) line 2 should be changed to "a person" & other consequential changes made; or better still after the words Mysore State Life Insurance the words "Officials' branch" should be introduced -]

Sir
11.7.18

W (for Member Council matters)

18
17/7

(1) Secretary
(3). Agree

17?/17.7

After the definite recommendations of the Committee are rec'd. they will be placed before the Ag. Br & then submitted to Council

17/7/18

390/18.7.18

Secretary

I agree

18
17.7.18

13.8.18. RO

Draft
18
14/8

Draft Submit.

W 18/8

14 Council matter. Please put up a short note for orders for dispatch circulation

Note—Contn. sheet.

18
20/8/18
26/8

519/27/8 P. 70 4.9.18

G. R. S. III-2]

6

General and Revenue Secretariat,

47 File No., 224 of 1917.

Serial No.

I agree to the amendments proposed. These were discussed last year when I was a member of the Life Insurance Committee myself & I think they are very necessary.

Paul
11.9.18

NOTE—Contn. sheet.

2998

WD—A2089—GPB—500—1-5-18

G. R. S. III-2]

General and Revenue Secretariat.

(C.216)

7

File No. 224 of 1917.

*23. As soon as circulation is complete and the opinion of the Council is recorded, the file will be forwarded to the Secretary in the Department concerned for transmission if need be to the Financial Secretary under Standing Orders and for submission to the Dewan or Member in charge.

Forwarded with compliments to the Secretary to Government. Financial Department under *Rule 23 of the Subsidiary Rules of Council Business.

By Order,

C. Balasundaram
Chief Secretary to Government.
14.9.18.

671/14-9

A/s Fui

D.F.N + D.S.N

16/9/18

5-30 p.m. 16-6-19

Drafts Subd.

88
18/9.

7 C days)

13/9

(1st member) with D.F.N.

15-71/9/10/18

9/10/18

Fair final note signed by the 1st member is put up.

9/10/18

Dewan

11/10/18

NOTE.—Cotn. Sheet.

Final Note by the First Member of Council.

Subject:—

Amendment to Rules 22 and 23 of the Insurance Rules (Public Branch) providing for assignment of policies.

The rules of the Mysore State Life Insurance, public branch do not at present provide for the assignment of policies by the insured.

2. The Insurance Committee have accordingly submitted proposals for the amendment of rules 22 and 23.

3. The Insurance Committee's proposals are calculated to make the public branch more popular by conferring on the insured in that branch, a privilege which is possessed by those who insure with private companies.

4. The draft order sanctioning the Insurance Committee's proposals to amend the rules with slight verbal alterations has been agreed to by Members of Council, and may be approved.

4 Oct 1918

First Member of Council.

7

Submitted to His Highness.

I submit herewith a Final Note by the First Member of Council on the subject of Amendments to Rules 22 and 23 of the Insurance Rules (Public - Branch) for His Highness' gracious approval.

M. Visvesvaraya
11-2-1918.

C. 216. 10

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendments to Rules 22 and 23 of the Insurance Rules relating to the Public Branch.

486

Order.

~~KRM~~

19/11/18

Fin Secy
13.11.18

LP/16/11

249.
15.11.18.

1690-21
16-11-18.

1723
15.11.18

Rees
16.11.18

15/11/18

11

G. R. S. F-21

General and Revenue Secretariat.

File No. of 191 .

Serial No.	
2	No: R. 2501-2 dated 21-11-1918 To Comptroller, Mysore Govt Secretary, Mysore State Representative Assembly Sanctions certain amendments to Rule 22 and 23 of the Public Branch

NOTE—Contn. sheet.

D 2998

W'D A0834—C.P.H.—300—23-11-17

M. S. L. I.
O. 20

1918

No. 8803/Ex. Br.
Enc. 1910/2 2 files + 3 papers

OFFICE OF THE SECRETARY,
MYSORE STATE LIFE INSURANCE COMMITTEE,
Bangalore, dated....30th April.....*1918*.

9/5/18.

FROM

M. N. KRISHNA RAO, ESQ., B.A.,
Secretary, Mysore State Life Insurance Committee,
Bangalore.

To Rajamantrapravina Diwan Bahadur
J. S. Chakravarti, Esq., M.A., F.I.A.S., Etc.,
Financial Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

SIR,

I have the honor to forward herewith a copy of Resolution No.3 passed in the Meeting of the Mysore State Life Insurance Committee held on the 12th March 1918, together with copies of draft amendments of Rules 22 and 23 of the Public Branch therein referred to for sanction of Government.

In this connection, I request you to kindly bring to the notice of Government that suitable legislation may be made in case, Clause (p) of Section 60, of the Civil Procedure requires amendment. I forward herewith for reference and obliging return the file containing the opinions of the members of the Insurance Committee recorded in the course of consideration of the aforesaid amendments.

I have the honour to be,
Sir,
Your most obedient servant,

M. N. Krishna Rao
Secretary, I.C.

Encl 1
2

Extract. ~~of the~~ Resolution II passed in the Meeting of the Mysore State Life Insurance Committee held on the 12th March 1918.

Further consideration of the draft Rules providing for Assignment of Policies in the Public Branch.

Resolved that the draft rules referred to, be submitted to Government for sanction, at the same time bringing to their notice that suitable Legislation may be made in case Clause (p) of Section 60 of the Civil Procedure requires amendment in this connection. (The file containing discussion of the members is also forwarded for perusal and return.)

C.M.

A. Krishnamachar

Ref: G-97 224-17-1 Encl 3

COPY OF DRAFT AMENDMENT OF RULE 22. (PUBLIC BRANCH)

An insured person may assign his Policy to another or nominate any person to receive the amount assured by it in case of his death. Such assignment, or nomination made in the form prescribed, shall be registered by the Secretary in the books of his office and the amount assured by the Policy may be paid to such assignee or nominee on satisfactory proof of death of the Insured and surrender of the Policy, provided that no notice to the contrary is served on the Secretary by a competent Court of Law. Should the Policy mature in the ordinary course during subsistence of such assignment or nomination, the amount of an assigned Policy will be paid to the assignee and that of ~~the nominated~~ a Policy to in respect of which nomination has been made the Insured himself.

In the event of death of the Insured before ~~the~~ an assignment of his Policy or a nomination therefor has been recognised by the President and Secretary of the Insurance Committee, the amount assured by it shall be paid to his legal heirs declared as such by a competent Court of Law in the Mysore State and on the Surrender of the Policy.

NOTE--1. The Insurance Office will not admit or express any opinion as to the form, legality, validity, or effect of an assignment and the Insured shall satisfy himself on these points before he submits the assignment for Registration.

NOTE --2 An authenticated Extract of the Mortuary Register of the place where the Insured has died and the statement of two respectable persons who have personally attended the cremation or the burial of the dead body of the Insured, may be considered sufficient proof of death.

Edn: 6 G7 224-17-1 Encl 4

COPY OF DRAFT AMENDMENT OF RULE 23:-- (PUBLIC BRANCH).

When the person nominated dies before the Insured, the nomination becomes ipso facto void and the heirs of the nominee will have no claim.

When more than one person are nominated, the sum assured will be payable to all of them jointly or to survivors at the date of death of the insured. The heirs of nominees dying before the Insured will not be recognised.

An assignment once registered shall not be cancelled without the consent of the Assignee. In the case of death of the assignee during the currency of the policy the rights of the assignee devolve upon the legal heirs of the assignee.

An insured person making a nomination may cancel it or make a different nomination at any time.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read -

Letter No.1910 dated the 9th May 1918 from the Secretary, State Life Insurance Committee, forwarding copy of a resolution of the Committee held on the 12th March 1918, requesting sanction to certain amendments to Rules 22 and 23 of the Public Branch of the Life Insurance, and suggesting further the necessity of suitable legislation in case clause (p) of Section 60 of the Civil Procedure should require amendment.

Order:- No. Fl 2501-2 GF 224-17-2

Dated, Bangalore, 21 Nov 1918

The proposed amendments to Rules 22 and 23 of the Public Branch are approved with slight ~~mental~~ verbal alterations as indicated in the Annexure.

2) As regards amending clause (p) of Section 60 of the Civil Procedure Code, Government desire that definite recommendations of the Committee in the matter with a draft amendment ~~to clause (p) of Section 60 Civil Procedure Code~~ may be submitted for orders.

To 18/27.8.18 Financial Secretary to Govt.

The Secretary, Life Insurance Committee with the file.

The Comptroller to Government.

Copy to the Chief Sectt. (Legislative Branch)

B.V.N.

~~COPY OF~~ DRAFT AMENDMENT OF RULE 22. (PUBLIC BRANCH)

An insured person may assign his Policy to another or nominate any person to receive the amount assured by it in case of his death. Such assignment, or nomination made in the form prescribed, shall be registered by the Secretary in the books of his office and the amount assured by the Policy may be paid to such assignee or nominee on satisfactory proof of death of the Insured and surrender of the Policy, provided that no notice to the contrary is served on the Secretary by a competent Court of Law, of such assignment or nomination, the amount of an assigned Policy will be paid to the assignee and that of a Policy in respect of which nomination has been made to the Insured himself.

Should the policy mature in the ordinary course, during subsistence

In the event of death of the Insured before an assignment of his policy or a nomination therefor has been recognised by ~~the President and~~ the Secretary and the President of the Insurance Committee, the amount assured by it shall be paid to his legal heirs declared as such by a competent Court of Law in the Mysore State and on the Surrender of the Policy.

NOTE.1. The Insurance Office will not admit or express any opinion as to the form, legality, validity, or effect of an assignment and the Insured shall satisfy himself on these points before he submits the assignment for Registration.

Note -2. An authenticated Extract of the Mortuary Register of the place where the Insured has died and the statement of two respectable persons who have personally attended the cremation or the burial of the dead body of the Insured, may be considered sufficient proof of death.

~~Copy of~~ Draft Amendment of Rule 23 - (Public Branch).

When the person nominated dies before the Insured, the nomination becomes ipso facto void and the heirs of the nominee will have no claim.

When more than one person are nominated, the sum -- assured will be payable to all of them jointly or to survivors at the date of death of the insured. The heirs of nominees dying before the Insured will not be recognised.

An insured person making a nomination may cancel it or make a different nomination at any time.

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